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9 Attorneys for Movant
10 Wells Fargo Bank, National Association, as trustee for the
11 holders of the First Franklin Mortgage Loan Trust 2006-FF17
12 Mortgage Pass-Through Certificates, Series 2006-FF17
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:)	CASE: 09-47016TM
)	
REYNALDO G. WENCESLAO and SHEILA M.	)	CHAPTER 7
WENCESLAO)	
	)	REF.: ASW-616
Debtors.)	
	)	MOTION FOR RELIEF FROM
	)	THE AUTOMATIC STAY
	)	AND DECLARATION OF
	)	JO-ANN GOLDMAN IN
	)	SUPPORT THEREON
)	
	)	DATE: 10/30/09
	)	TIME: 11:00 am
	)	CTRM: 201
	)	U.S. Bankruptcy Court
	)	1300 Clay Street
	)	Oakland, California

21
22 The Motion of Wells Fargo Bank, National Association,
23 as trustee for the holders of the First Franklin Mortgage
24 Loan Trust 2006-FF17 Mortgage Pass-Through Certificates,
25 Series 2006-FF17 respectfully shows as follows:
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1 1. This Court has jurisdiction over this proceeding
2 pursuant to 28 U.S.C. Sections 157 and 1334.

3 2. On July 31, 2009, a petition under Chapter 7 of the
4 Bankruptcy Code was filed by the Debtors.

5 3. PAUL MANSDORF is the Chapter 7 Trustee for this
6 case.

7 4. Movant is, and at all times herein mentioned was a
8 corporation organized and existing under the laws of the
9 United States.

10 5. Movant is the beneficiary under a Deed of Trust
11 which secures a Promissory Note ("Note") in the principal
12 sum of \$360,000.00, with the Note all due and payable on
13 October 1, 2036. The Note and Deed encumber real property
14 commonly known as:

15 27589 Stromberg Ct, Hayward, CA 94545 ("Property")
16
17 and legally described as set forth in the Deed of Trust,
18 which is attached to the Declaration of JO-ANN GOLDMAN.

19 6. The beneficial interest under the Deed of Trust is
20 currently held by Movant. See Declaration of JO-ANN
21 GOLDMAN.

22 7. There was a default under the terms of the Note and
23 Deed of Trust and on June 17, 2009, Movant caused to be
24 recorded a Notice of Default and Election to Sell.

25 8. The Property is Debtors' principal residence.
26
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1 9. As of September 23, 2009, the Debtors have failed
2 to tender 15 of the contractual payments which have fallen
3 due under the Note and Deed of Trust.

4 10. The total amount due under Movant's Note and Deed
5 of Trust as of September 23, 2009, exclusive of attorneys
6 fees and costs, was approximately \$404,780.88. See
7 Statement of Indebtedness attached hereto as Exhibit "1".

8 11. The Property is also encumbered by additional
9 liens and arrearages which, when added to Movant's lien and
10 arrearages, total approximately \$494,071.88.

11 12. Movant requests the Court take Judicial Notice
12 that the Debtors' Schedule "A" provides the fair market
13 value of the Property is approximately \$280,000.00. A true
14 and correct copy of Schedule "A" is attached hereto as
15 Exhibit "2" and incorporated by reference.

16 13. Movant requests the Court take Judicial Notice
17 that the Debtors' Schedule "D" reflects the Property is
18 encumbered by one additional lien. A true and correct copy
19 of the Debtors' Schedule "D" is attached hereto as Exhibit
20 "3" and incorporated by reference.

21 14. Movant requests the Court take Judicial Notice
22 that the Debtors' Statement of Intentions provides the
23 Property is to be surrendered. A true and correct copy of
24 the Statement of Intentions is attached hereto as Exhibit
25 "4" and incorporated by reference.

26 15. Due to the liens, encumbrances and arrearages
27 existing against the Property, and due to current market

1 trends and costs of sale, the Debtors do not have any equity
2 in the Property.

3 16. The Debtors have no reasonable prospect for
4 reorganization and the Property is not necessary for an
5 effective reorganization.

6 17. Movant does not have, and has not been offered,
7 adequate protection for its interest in the Property and the
8 passage of time will result in irreparable injury to
9 Movant's interest in the Property including, but not limited
10 to, loss of interest and opportunity.

11 18. For all the reasons set forth herein, there is
12 cause for relief from stay including, but not limited to,
13 lack of adequate protection and the Debtors' failure to make
14 the required Deed of Trust payments.

15 WHEREFORE, Movant prays for the judgment against
16 Respondents as follows:

17 (1) That the automatic stay be terminated so that
18 Movant may exercise or cause to be exercised any and all
19 rights under its Note and/or Deed of Trust and any and all
20 rights after the foreclosure sale, including, but not
21 limited to, the right to consummate foreclosure proceedings
22 on the property and the right to proceed in unlawful
23 detainer;

24 (2) For reasonable attorneys' fees as a secured claim
25 under 11 U.S.C. Section 506(b);

26 (3) For the waiver of the 10 day stay pursuant to
27 Bankruptcy Rule 4001(a)(3).

- 1 (4) For reasonable attorneys' fees and costs;
2 (5) For costs incurred or expended in suit herein; and
3 (6) For such other and further relief as the Court
4 deems just and proper.

5
6 Dated: 10/07/09

/s/ Alan Steven Wolf
ALAN STEVEN WOLF
Attorneys for Movant
Wells Fargo Bank, National
Association, as trustee for the
holders of the First Franklin
Mortgage Loan Trust 2006-FF17
Mortgage Pass-Through Certificates,
Series 2006-FF17

EXHIBIT 1

MOVANT'S STATEMENT OF INDEBTEDNESS

Debtors: WENCESLAO
CASE NO.: 09-47016TM
PROPERTY ADDRESS: 27589 Stromberg Ct
Hayward, CA 94545

A. APPROX. PRINCIPAL DUE AS OF September 23, 2009:

1st trust deed Select Portfolio	= \$	360,000.00
2nd trust deed National City Bank	= \$	89,291.00
TOTAL	= \$	449,291.00

B. APPROX. DELINQUENCY ON ABOVE INDEBTEDNESS AS OF 9/23/09:

Movant's first trust deed payments and late charges:

4	payment(s) at	\$	2,250.00	= \$	9,000.00
6	payment(s) at	\$	2,550.00	= \$	15,300.00
5	payment(s) at	\$	2,250.00	= \$	11,250.00

Accrued Late Charges	\$	337.50
Escrow Taxes/Insurance	\$	7,633.97
Recoverable Balance	\$	1,259.41
TOTAL	\$	44,780.88

C. VALUE OF PROPERTY: \$ 280,000.00

D. LESS TOTAL OF PRINCIPAL AND DELINQUENCY: \$ 494,071.88

E. GROSS EQUITY (D-C)*: \$ -214,071.88

* Note: The gross equity, if any, will be further diminished by current market conditions and costs of sale.

EXHIBIT 2

In re **Reynaldo G Wenceslao,
Sheila M Wenceslao**

Case No. _____

Debtors

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
Location: 27589 Strombrtg Ct., Hayward CA	Fee simple	C	280,000.00	449,291.00

Sub-Total > **280,000.00** (Total of this page)

Total > **280,000.00**

0 continuation sheets attached to the Schedule of Real Property

(Report also on Summary of Schedules)

EXHIBIT 3

In re **Reynaldo G Wenceslao,
Sheila M Wenceslao**

Case No. _____

Debtors

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	H U S B A N D W I F E J O I N T C O M M U N I T Y	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
		DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN					
Account No. xxxxxxxxx6672							
National City Bank Attention: Bankruptcy Department 6750 Miller Road Brecksville, OH 44141		C					
		Opened 9/01/06 Last Active 6/05/08 Deed of Trust Location: 27589 Strombrtg Ct., Hayward CA				89,291.00	89,291.00
		Value \$ 280,000.00					
Account No. xxxxxxxxx3782							
Select Portfolio Svcin Po Box 65250 Salt Lake City, UT 84165		C					
		Opened 9/01/06 Last Active 6/01/08 Deed of Trust Location: 27589 Strombrtg Ct., Hayward CA				360,000.00	80,000.00
		Value \$ 280,000.00					
Account No.							
		Value \$					
Account No.							
		Value \$					
Subtotal (Total of this page)						449,291.00	169,291.00
Total (Report on Summary of Schedules)						449,291.00	169,291.00

0 continuation sheets attached

EXHIBIT 4

United States Bankruptcy Court
Northern District of California

In re **Reynaldo G Wenceslao**
Sheila M Wenceslao

Debtor(s)

Case No. _____
 Chapter **7**

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

PART A - Debts secured by property of the estate. (Part A must be fully completed for **EACH** debt which is secured by property of the estate. Attach additional pages if necessary.)

Property No. 1	
Creditor's Name: National City Bank	Describe Property Securing Debt: Location: 27589 Strombrtg Ct., Hayward CA
Property will be (check one): <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input type="checkbox"/> Claimed as Exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 2	
Creditor's Name: Select Portfolio Svcin	Describe Property Securing Debt: Location: 27589 Strombrtg Ct., Hayward CA
Property will be (check one): <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input type="checkbox"/> Claimed as Exempt <input checked="" type="checkbox"/> Not claimed as exempt	

PART B - Personal property subject to unexpired leases. (All three columns of Part B must be completed for each unexpired lease. Attach additional pages if necessary.)

Property No. 1		
Lessor's Name: -NONE-	Describe Leased Property:	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2): <input type="checkbox"/> YES <input type="checkbox"/> NO

I declare under penalty of perjury that the above indicates my intention as to any property of my estate securing a debt and/or personal property subject to an unexpired lease.

Date **July 10, 2009**Signature **/s/ Reynaldo G Wenceslao**
Reynaldo G Wenceslao
DebtorDate **July 10, 2009**Signature **/s/ Sheila M Wenceslao**
Sheila M Wenceslao
Joint Debtor